



House of Representatives

General Assembly

File No. 409

February Session, 2014

House Bill No. 5480

House of Representatives, April 7, 2014

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT COMMISSION, AND THE POSTING OF REQUIREMENTS FOR VOTER IDENTIFICATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-5a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each town shall (1) provide the registrars of voters with office
4 space, supplies and equipment, including facilities for the safe storage
5 of the official records of such registrars [Such records] of voters, and
6 (2) ensure that each registrar of voters may access the Internet and
7 correspond with the Secretary of the State using electronic mail.

8 (b) The official records of the registrars of voters of a town shall be
9 accessible to all registrars of voters in such town and [they] all of the
10 registrars of voters shall be [jointly] responsible for [their] the
11 safekeeping of such records.

12 Sec. 2. Section 9-3 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective from passage*):

14 The Secretary of the State, by virtue of the office, shall be the
15 Commissioner of Elections of the state, with such powers and duties
16 relating to the conduct of elections as are prescribed by law and, unless
17 otherwise provided by state statute, the secretary's regulations,
18 declaratory rulings, instructions and opinions, if in written form, shall
19 be presumed as correctly interpreting and effectuating the
20 administration of elections and primaries under this title, except for
21 [chapter 155] chapters 155 to 158, inclusive, and shall be executed,
22 carried out or implemented, as the case may be, provided nothing in
23 this section shall be construed to alter the right of appeal provided
24 under the provisions of chapter 54. Any such written instruction or
25 opinion shall be labeled as an instruction or opinion issued pursuant to
26 this section, as applicable, and any such instruction or opinion shall
27 cite any authority that is discussed in such instruction or opinion.

28 Sec. 3. Subdivision (2) of subsection (a) of section 9-7b of the 2014
29 supplement to the general statutes is repealed and the following is
30 substituted in lieu thereof (*Effective from passage*):

31 (2) To levy a civil penalty not to exceed (A) two thousand dollars
32 per offense against any person the commission finds to be in violation
33 of any provision of chapter 145, part V of chapter 146, part I of chapter
34 147, chapter 148, section 7-9, section 9-12, subsection (a) of section 9-17,
35 section 9-19b, 9-19e, 9-19g to 9-19k, inclusive, 9-20, 9-21, 9-23a, 9-23g, 9-
36 23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-35c,
37 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-232i to
38 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412, 9-436,
39 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two thousand
40 dollars per offense against any town clerk, registrar of voters, an
41 appointee or designee of a town clerk or registrar of voters, or any
42 other election or primary official whom the commission finds to have
43 failed to discharge a duty imposed by any provision of [chapter 146 or
44 147] title 9, except chapters 155 to 158, inclusive, (C) two thousand

45 dollars per offense against any person the commission finds to have (i)
46 improperly voted in any election, primary or referendum, and (ii) not
47 been legally qualified to vote in such election, primary or referendum,
48 or (D) two thousand dollars per offense or twice the amount of any
49 improper payment or contribution, whichever is greater, against any
50 person the commission finds to be in violation of any provision of
51 [chapter 155 or 157] chapters 155 to 158, inclusive. The commission
52 may levy a civil penalty against any person under subparagraph (A),
53 (B), (C) or (D) of this subdivision only after giving the person an
54 opportunity to be heard at a hearing conducted in accordance with
55 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such
56 penalty levied pursuant to this subsection within thirty days of written
57 notice sent by certified or registered mail to such person, the superior
58 court for the judicial district of Hartford, on application of the
59 commission, may issue an order requiring such person to pay the
60 penalty imposed and such court costs, state marshal's fees and
61 attorney's fees incurred by the commission as the court may
62 determine. Any civil penalties paid, collected or recovered under
63 subparagraph (D) of this subdivision for a violation of any provision of
64 chapter 155 applying to the office of the Treasurer shall be deposited
65 on a pro rata basis in any trust funds, as defined in section 3-13c,
66 affected by such violation.

67 Sec. 4. Subsection (a) of section 9-261 of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (a) In each primary, election or referendum, when an elector has
71 entered the polling place, the elector shall announce the elector's street
72 address, if any, and the elector's name to the official checkers in a tone
73 sufficiently loud and clear as to enable all the election officials present
74 to hear the same. Each elector who registered to vote by mail for the
75 first time on or after January 1, 2003, and has a "mark" next to the
76 elector's name on the official registry list, as required by section 9-23r,
77 shall present to the official checkers, before the elector votes, either a
78 current and valid photo identification that shows the elector's name

79 and address or a copy of a current utility bill, bank statement,
80 government check, paycheck or other government document that
81 shows the name and address of the elector. Each other elector shall (1)
82 present to the official checkers the elector's Social Security card or any
83 other preprinted form of identification which shows the elector's name
84 and either the elector's address, signature or photograph, or (2) on a
85 form prescribed by the Secretary of the State, write the elector's
86 residential address and date of birth, print the elector's name and sign
87 a statement under penalty of false statement that the elector is the
88 elector whose name appears on the official checklist. Such form shall
89 clearly state the penalty of false statement. A separate such form shall
90 be used for each elector. If the elector presents a preprinted form of
91 identification under subdivision (1) of this subsection, the official
92 checkers shall check the name of such elector on the official checklist. If
93 the elector completes the form under subdivision (2) of this subsection,
94 the registrar of voters or the assistant registrar of voters, as the case
95 may be, shall examine the information on such form and either instruct
96 the official checkers to check the name of such elector on the official
97 checklist or notify the elector that the form is incomplete or inaccurate.
98 The provisions of this subsection describing requirements for
99 identification shall be posted where the official checkers are located in
100 each polling location, in a manner prescribed by the Secretary of the
101 State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-5a
Sec. 2	<i>from passage</i>	9-3
Sec. 3	<i>from passage</i>	9-7b(a)(2)
Sec. 4	<i>from passage</i>	9-261(a)

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Governmental Accountability, Off.	GF - Potential Revenue Gain	Minimal	Minimal

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Municipalities	Potential Cost	Minimal	Minimal

Explanation

The bill requires municipalities to ensure internet and electronic mail access for registrars of voters. To the extent that certain municipalities may not have internet and electronic mail access, there is a potential minimal cost to municipalities arising from this provision.

The bill also modifies the list of violations for which the State Elections Enforcement Commission can levy \$2,000 penalties. There is a potential minimal revenue gain for the Office of Governmental Accountability arising from this provision.

Lastly, the bill requires municipalities to post the requirements for voter identification where the official checkers are located in a polling place. This may result in a minimal cost to municipalities associated with signage.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis**HB 5480*****AN ACT CONCERNING REGISTRARS OF VOTERS, THE AUTHORITY OF THE SECRETARY OF THE STATE AND THE STATE ELECTIONS ENFORCEMENT COMMISSION, AND THE POSTING OF REQUIREMENTS FOR VOTER IDENTIFICATION.*****SUMMARY:**

This bill specifies that the secretary of the state's written declaratory rulings, instructions, and opinions must (1) be implemented, executed, or carried out; (2) labeled as rulings, instructions, or opinions; and (3) cite the authority on which they are based. Current law presumes such written statements correctly interpret and effectuate the administration of elections and primaries, but does not require them to be implemented.

By law, these requirements do not apply to campaign finance laws. The bill specifies that campaign finance laws include those governing the citizen's election program, computerization of campaign financing statements and data, and public financing for municipal elections. Such laws fall under the purview of the State Elections and Enforcement Commission (SEEC).

The bill expands the SEEC's authority to levy a civil penalty of up to \$2,000 per offense against town clerks, registrars of voters, and primary or election officials who fail to discharge certain statutory duties. It allows the SEEC to impose such a penalty on these officials for failing to discharge duties imposed under all state election laws, except those relating to campaign finance. Currently, the penalty applies only to duties imposed under certain election laws (generally, those governing voting methods and primary or election dates).

Under current law, the SEEC can also impose a civil penalty of up to

\$2,000 per offense or twice the amount of any improper payment or contribution, whichever is greater, against any person it finds has violated state campaign finance laws.

In addition, the bill:

1. requires voter identification requirements be posted in a manner the secretary of the state prescribes at each polling place where official checkers are located;
2. requires towns to provide their registrars of voters with Internet access and ensure they can correspond with the secretary of the state by email; and
3. makes conforming changes regarding access to, and responsible safe keeping of, official registrar of voter records.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 7 Nay 5 (03/19/2014)